



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo, Acting President

Jerry Duncan
Sal Quintero
Daniel Ronquillo

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, FEBRUARY 4, 2003

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us) The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Pastor Larry Patton of the Wesley United Methodist Church
Pledge of Allegiance to the Flag

Resolution of Commendation to Chief Michael Smith
Proclamations of "KOQUAW RICKS AND YESENIA OZUNA DAY" - Councilmember Dages
Proclamation of "COBB'S HARDWARE STORE DAY" - Council President Boyajian

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that

ime has expired.

Approve minutes of January 28, 2003

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

8:30 A.M. Presentation of P.R.I.D.E. Team Certificates for the Winter Quarter
(*Reception immediately following - 2nd floor foyer*)
Action Taken:

9:15 A.M. **CONTESTED CONSENT ITEMS**

10:00 A.M. **HEARING** to consider Rezoning Application No. R-02-39, filed by Anthony Lambe for the development of 9.5 acres located at the southeast corner of W. Herndon and N. Polk Avenues (*Property located in District 2*)

Action Taken:

- a. Consider and adopt Negative Declaration for Environmental Assessment No. R-02-39
Action Taken:
- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM zone district to the C-P/EA/UGM (2.3 acres) and R-2/UGM (7.2 acres) zone district
Action Taken:

10:15 A.M. **HEARING** to consider adoption of a resolution approving the Underground Utility District (UUD) No. FRE-78 (Elm Avenue between Jensen Avenue and North Avenue) - Public Works Dept.

Action Taken:

- a. **RESOLUTION** - Establishing Underground Utility District No. FRE-78
Action Taken:

10:40 A.M. **CONTINUED HEARING** to consider Rezoning Application No. R-02-051 and environmental findings, filed by Lars Anderson and Associates on behalf of Scott Peters, for 0.61 acre located on the west side of N. Winery Avenue between E. Washington and E. McKenzie Avenues (*Property located in District 7*)

Action Taken:

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. R-02-051
Action Taken:
- b. **BILL** - Amending the Official Zone Map to rezone the property from the R-A zone district to the

R-1 zone district

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:00 AM #1 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Govt. Code Section 54956.9(a)

1. **Case Name:** N.T. Hill dba R.J.Hill vs. City of Fresno, et al.
2. **Case Name:** United States of America vs. City of Fresno; and Family Alliance for the Mentally Ill, Affordable Homes, Inc., Craig Harvey and Jane Doe vs. City of Fresno, et al., United States District Court for the Eastern District of California, Case No. CV-F-96-549 OWW DLB
3. **Case Name:** Clayton Turner v. City of Fresno, et al.
4. **Case Name:** Solpac, Inc. dba Soltek Pacific v. City of Fresno, et al. Mauldin Dorfmeier Construction, Inc. (Real Party In Interest)

Action Taken:

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Government Code Section 54956.8

Property: Three parcels of land (one parcel immediately east of and adjacent to the BNSF Railroad right of way, between Kern and Mono Streets; two parcels immediately west of and adjacent to the BNSF Railroad right of way, between Tulare and Inyo Streets, including the old Santa Fe Depot).

City negotiators: Robb Wood, Robb English, Mark Williamson, Jerry Haynes.

Negotiating parties: Burlington Northern Santa Fe Railroad (BNSF)

Under negotiation: Terms and price

CLOSED SESSION CONTINUED TO 2:30 P.M.

2:00 PM#1 **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Armen Paul & Irene Blanche Karagosian, George Bursick, Albert & Robert Hagobian, et al., Granush Badalyn, Amaliya Badalyn, Robert L. Edwards & Gertrude M. Kilsheimer, et al., Heritage Fresno et al., vs. City of Fresno, et al., Fresno County Superior Court Case No. 02CG04583MWS
2. Heritage Fresno et al., vs. City of Fresno, et al., Fresno County Superior Court Case No. 02CG04583MWS

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 PM#2

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of January 7, 2003

Action Taken:

- A. **HEARING** - To consider the adoption of a resolution(s) that public interest and necessity require the acquisition of certain property (ies) located at 455 "O" Street, owned by Armen Paul & Irene Blanche Karagosian, as joint tenants (APN 468-196-20); 459 "O" Street, owned by George Bursick, an unmarried/single man (APN 468-196-1 & 18); 529 "O" Street, owned by Albert & Robert Hagobian et.al. (APN 468-195-03); 540 "N" Street, owned by Granush Badalyn, a single woman, & Amaliya Badalyn, a married woman as her sole and separate property; as joint tenants, (APN 468-195-13); and 2426 Ventura Street, owned by Robert L. Edwards & Gertrude M. Kilsheimer, Trustees, (APN 468-195-17), for public purposes to provide for the redevelopment of the properties, and authorizing eminent domain proceeding for public use and purpose (Convention Center Redevelopment Project Area)

Action Taken:

1. **RESOLUTION** - That public interest and necessity require the acquisition of certain property(ies) located at 455 "O" Street, owned by Armen Paul & Irene Blanche Karagosian, as joint tenants (APN 468-196-20); 459 "O" Street, owned by George Bursick, an unmarried/single man (APN 468-196-1 & 18); 529 "O" Street, owned by Albert & Robert Hagobian et.al. (APN 468-195-03); 540 "N" Street, owned by Granush Badalyn, a single woman, & Amaliya Badalyn, a married woman as her sole and separate property; as joint tenants, (APN 468-195-13); and 2426 Ventura Street, owned by Robert L. Edwards & Gertrude M. Kilsheimer, Trustees, (APN 468-195-17), for public purposes to provide for the redevelopment of the property(ies) and authorizing eminent domain proceeding for public use and purpose (Convention Center Redevelopment Project Area) **(Requires 5 affirmative votes) (Agency Action)**

Action Taken:

- B. Request update on status of Uptown Museum District Street Scape Project - Councilmember Calhoun

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

- C. Consider approval of the Annual Report of the Redevelopment Agency of the City of Fresno for Fiscal Year 2001-2002 **(Council action)**

Action Taken:

ADJOURN AGENCY

2:15 P.M. Appearance by Beverly Ann Walter to discuss privatization of Fresno Area Express, City of Fresno

employees' health costs, and employees' lunch break

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:20 P.M. Appearance by Costel Constantin Fuidrea to discuss generating revenue for the City of Fresno

Action Taken:

2:30 P.M. **CONTINUED CLOSED SESSION**

D. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Severo Esquivel, Adela Gonzalez and Jorge C. Aguiniga

Employee Organization(s):

1. Amalgamated Transit Union (ATU) Unit 06
2. Fresno City Employees Association (FCEA)

Action Taken:

1. GENERAL CONSENT CALENDAR

(All consent calendar items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested, in which event the item will be removed from the Consent Calendar and considered at 9:15 a.m.)

A. Award a contract for one (1) Class 8, 1500-gallon chlorine tanker - General Services Dept.

Action Taken:

B. Reject bid for three (3) Class 7 crew cab chassis trucks - General Services Dept.

Action Taken:

C. Award a contract to construct well site improvements at Pump Station 318 - General Services Dept./Public Utilities Dept.

Action Taken:

D. Award a contract for construction of a bike path and street improvements on the north side of Herndon Avenue from Marks Avenue to 980 feet east - General Services Dept./Public Works Dept.

Action Taken:

E. Award a contract for elevator maintenance services at various City locations - General Services Dept./Various City Depts.

Action Taken:

1.

GENERAL CONSENT CALENDAR CONTINUED

- F. Consideration of proposed Alluvial-Willow No. 4E Reorganization consisting of 36-acres proposed for detachment from the Fresno County Fire Protection District and Kings River Conservation District and annexation of the same territory to the City of Fresno - Development Dept. ***(Property located in District 6)***
Action Taken:
1. * **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Alluvial-Willow No. 4E Reorganization
Action Taken:
- G. **RESOLUTION** - Approving Final Map of Tract No. 5086 and accepted dedicated public uses therein; Phase II of Vesting Tentative Map Tract No. 4723, a 42-lot single-family residential located on the northwest corner of N. Belvedere Avenue and W. River Vista Drive at the San Joaquin River Bluff - Development Dept.
Action Taken:
1. **RESOLUTION** - Certifying that provisions have been made for segregation of the existing assessment to each of the new parcels being created by Tract No. 5086
Action Taken:
- H. Accept the proposal of Peace Officer Standards and Training (POST) to utilize the services of one Fresno Police Department Sergeant for the period of one year - Police Dept.
Action Taken:
1. * **RESOLUTION** - 13th amendment to PAR No. 2002-217 to provide a position for the Peace Officer Standards and Training (POST)
Action Taken:
- I. Award a contract for installation of a 36" PVC closed profile sewer main in Whitesbridge Avenue - General Services Dept./Public Works Dept.
Action Taken:

2.

CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS

3.

GENERAL ADMINISTRATION

- A. Direction regarding previously tabled matter:
1. Request City Manager to direct staff to initiate inquiries to other firms regarding red light camera operation - ***(Originally discussed at 7/23/2002 meeting and tabled to Feb. 2003)***
Action Taken:

3. **GENERAL ADMINISTRATION CONTINUED**

- B. Amending Subsections (a), (b), (c), (d) and (f) of Section 3-105 and Subsection (a) of Section 3-109, adding Sections 3-105.1, 3-105.2, 3-109.3 and 3-113 to, and adding Article 5 to Chapter 3 of the Fresno Municipal Code relating to advertised competitive bidding and design-build contracts
Action Taken:
1. * **BILL NO. B-12 (Intro 1/28/2003) (Alternative B)** - Advertised competitive bidding required for contract involving expenditure of City monies exceeding \$50,000 pursuant to Section 3-105 of the Fresno Municipal Code
Action Taken:
- C. * **BILL NO. B-4 - (Intro. 1/28/2003)** - Delete Sections 2-1725 and 2-1725A of the Fresno Municipal Code relating to the elimination of the Workers Compensation offset for retirees receiving a service-connected disability retirement allowance - Retirement Office
Action Taken:
- D. Bill relating to wood burning appliances: (Councilmember Perea)
1. **RESOLUTION** - Adopting findings based on local climatic, geologic and topographic conditions to support modification to the Uniform Mechanical Code Sections 13-200-926, 13-200.926.1.1, 13-200.926.2, Section 13-200.926.3 and 13-200.926.4 relating to wood burning appliances
Action Taken:
2. * **BILL NO. B-11 - (Intro. 1/28/2003, as revised)** - Amending Sections 13-200-926, 13-200.926.2 and 13-200.926.4, repealing Section 13-200.926.3 and adding 13-200.926.1.1 to the Fresno Municipal Code relating to wood burning appliances
Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. **RESOLUTION** - Authorizing enforcement of the California Vehicle Code on George McLain Blvd. a private road between Chestnut Avenue and Willow Avenue pursuant to Vehicle Code Section 21107.5 (Senior Citizen's Village) - Councilmember Dages
Action Taken:
- B. Direct the City Manager, through the Housing, Economic and Community Development Department to negotiate a contract with the City Housing Authority to provide \$800,000 of City Home Program funds to augment and expand the rehabilitation project known as the Community Housing Partnership Program, and place on the March 4, 2003 City Council meeting for action including budget appropriation - Council President Boyajian
1. Further Direct the City Manager through the Housing, Economic and Community Development Department and inter-Agency Housing Task Force to develop program implementation, plan and timetable for the \$1.48 million of City Home funds for the following categories:
- a. Owner occupied rehabilitation programs - \$840,000
 - b. Purchase of boarded houses - \$240,000
 - c. Rental rehabilitation - \$400,000
- Staff to return with its recommendation including budget, appropriation and amendment by

Action Taken:

5. **CITY COUNCIL CONTINUED**

- C. Discussion and direction to the City Manager to return to the Council with recommendations of ways in which the Police and Fire Departments can best be managed in order to provide optimum protection for the citizens of Fresno with the possibility of implementing a department of public safety - Councilmember Calhoun

Action Taken:

- D. Discussion regarding the Fresno Landfill being designation a national historic site to include consideration of adopting resolution to request that said designation does not occur - Councilmember Calhoun

Action Taken:

- E.. Approve appointments of three City Councilmembers to serve on the Inter-Agency Neighborhood Schools Development Team - President Boyajian

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Feb. 11 - 2:30 P.M. **CONTINUED HEARING** to consider Environmental Impact Report No. 10131, Plan Amendment Application No. 00-07, Rezoning Application No. 00-13, filed by Halferty Development
- Feb. 18 - **NO MEETING - (PRESIDENT'S DAY)**
- Feb. 25 - 8:30 A.M. Joint Meeting with Madera County Board of Supervisors, Valley Children's Hospital
- Feb. 25 - 2:00 P.M. - 4:00 P.M. General Plan Implementation Workshop - Planning and Development Dept.
- Feb. 25 - 4:15 P.M. **HEARING** re: Plan Amendment No. A-02-06, Rezoning Appl. R-02-12, filed by James Logan on behalf of Spalding Wathen
- Mar. 11 - 10:15 A.M. **HEARING** to consider adoption of a resolution approving the formation of UUD No. FRE-82 (Barton Avenue betw. Dakota Avenue and Hampton Way - Public Works Dept.
- Mar. 18 - 10:00 A.M. **HEARING** re: Annual Weed Abatement Program - HECD
- Mar. 18 - 10:45 A.M. **HEARING** re: CFD No. 2, Annexation No. 45 - Tract No. 5117 and 5121 - Public Works Dept.
- Mar. 18 - 11:00 A.M. **HEARING** re: CFD No. 2, Annexation No. 44 - Tract No. 5071 - Public Works Dept.
- Apr. 8 - 10:00 A.M. Discussion of downtown parking operational hours, garages and parking meters -

